

REMARKS

Claims 1-15 are pending in the application, of which claims 1-15 presently stand rejected. Claims 1, 2, 6-9, 13 and 14 are amended herein. In view of the remarks which follow, allowance of the application is respectfully requested.

A substitute specification is being submitted which uses the guidelines suggested in the Office Action for a preferred layout for the specification. The substitute specification simply copies the corresponding sections of text from WO 00/73813 into a document having the suggested section headings provided by 37 C.F.R. 1.77(b). The claims in the substitute specification are as amended herein, including the previously presented claims 6, 7 and 13-15 amended via the Preliminary Amendment submitted with the filed application on April 27, 2001. No new matter has been introduced into the application by way of the substitute specification.

Claim Rejections – 35 U.S.C. § 102(b)

3. The Examiner has rejected claims 1-14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,689,270 by *Kelley et al.* Applicants respectfully traverse this rejection.

As to the rejection of independent **claims 1, 2, 8 and 9:**

The system which *Kelley et al* describes operates in a scenario in which there are multiple transmitters, multiple individual mobile units 432, and a single fixed position observer (i.e., a fixed observer unit or FOU 430). Basically, the FOU 430 and the mobile unit 432 receive signals from each of the transmitters, and the FOU 430 transmits phase measurements to the mobile unit so that the respective signals from a transmitter to (a) the FOU 430 and (b) the mobile unit 432 can be compared in order to find the position of the mobile unit. That is really all that *Kelley et al* does that in any way relates to the type of system which exemplifies the claimed present invention.

The present invention, however, has plural mobile units, plural transmitters and a given (arbitrary) location for which a list of offsets is generated by steps (a) and (b) of claim 1. To

clarify this aspect of the present invention, step (a) of claim 1 had been amended to refer to "plural" receivers instead of "one or more" receivers. Claims 2, 8, 9, 13 and 14 have been similarly amended.

In accordance with the claimed invention, this list of offsets for the given location is generated by acquiring data from each of the mobile receivers and then combining the acquired data. *Kelley et al*, on the other hand, has no reference to combining data from plural receivers to create a list, let alone a list of offsets at a given location relative to a common reference. Each FOU 430 in *Kelley et al* is also completely independent (when there is more than one), and the FOU received signals are not combined in any way. Furthermore, each FOU in *Kelley et al* is at a fixed location. By contrast, in the present invention, the positions of the receivers may be known but certainly do not need to be, and can be positionally determined by subsequent use of the list.

In this regard, Applicants respectfully submit that the present invention does not need fixed reference receivers at known locations, and that the receivers are preferably mobile units at unknown locations. It is this data, which is combined into the recited list that is global to plural receivers, that can then be used for positioning information for mobile receivers in the system. Thus, *Kelley et al* does not teach or suggest the invention as recited in claim 1 nor its preamble. *Kelley et al* does acquire data from plural receivers relative to a reference source in each receiver or to each other, and it certainly does not combine the acquired data to calculate the list of offsets at the given location relative to the common reference.

The advantages of the present invention are (1) the ability to avoid the need to fix multiple receivers in known positions; (2) the fact that different mobile receivers get significantly different signals such that the data relating to which is therefore more useful of the overall system; and (3) the fact that, since no mobile receiver can receive signals from all transmitters in the system, the use of a generated list which can be used across the system as a whole avoids the need for additional redundancy. The latter point is critical to an effective real system.

Because *Kelley et al* fails to teach one or more limitations recited by amended claim 1, for at least this reason, claim 1 is patentably distinguished from *Kelley et al* and is allowable over

the reference. Claims 2, 8 and 9 are similarly amended and recite similar distinguishing limitations and therefore are also allowable over the reference.

As to the rejection of dependent claims 3-7 and 10-15:

As discussed above, independent claims 1, 2, 8 and 9 distinguish from the teachings of *Kelley et al* and are allowable over that reference. Accordingly, claims 3-7 and 10-15 are also allowable since they each depend from an allowable base claim.

Claim Rejections – 35 U.S.C. § 103(a)

3. The Examiner has rejected claim 15 under 35 U.S.C. § 103(a) as unpatentable over *Kelley et al* in view of U.S. Patent No. 6,108,315 to *Freeburg et al*. Applicants traverse this rejection.

As to the rejection of claim 15:

Claim 15 depends from independent claim 8 or 9. As discussed above, *Kelley et al* does not teach or suggest the invention recited in claim 8 or 9. *Freeburg et al* does not overcome the deficiencies of *Kelley et al*. Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection of claim 15 is respectfully requested.

Conclusion

In view of the amendments and arguments set forth above, Applicant submits that the present application is in condition for allowance and would appreciate early notification of the same.

Invitation for a telephone interview

The Examiner is invited to call the undersigned at (202) 659-9076 if further issues remain with allowance of this case.

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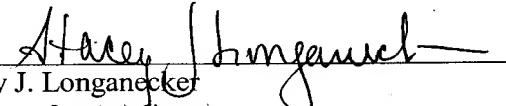
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Deposit Account Authorization

Although no fee is believed due by submission of this paper, authorization is hereby made to charge any fees due or outstanding, or credit any overpayment, to Deposit Account No. **18-2220** (Order No. 41253).

Respectfully Submitted,

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